

Appl. No. : 08/942,402
Filed : October 1, 1997

rejections, and respectfully submits that the cited reference does not teach or suggest the claims of the invention.

In rejecting Claims 1-6, 9-17, and 19, the Examiner took the position that "Barrett teaches the use of a reconfigurable controller and monitor comprising: a method of mapping resources to memory (abs., and col. 2, lines 35 et seq.), a micro controller network (fig. 1), a central computer (25), interconnection path ways (23), sensors (19), buffering messages (requests, col. 3, lines 20 et seq.), log notification of a fault (col. 18, lines 4 et seq.), canisters (I/O devices, col. 14, line 14), a client computer (col. 1, lines 63 et seq., col. 2, lines 10 et seq.), an actuator/variable speed fan (col. 6, lines 19 et seq.), a timer (col. 14, lines 12 et seq.), a manual and software reset, (col. 18, lines 20 et seq.), a temperature sensor 19, a display (27), checking voltage (col. 13, lines 15 et seq[.]), and executing commands (col. 1, lines 48 et seq., and col. 3, lines 23 et seq.) logging conditions (Rams, 314, 520)."

However, Applicant respectfully submits that Claim 1 recites the element of "a plurality of sensors capable of sensing conditions *of the computer*" (emphasis added). Claim 11 recites the element of "a plurality of microcontrollers that are interconnected by the microcontroller bus and wherein the microcontrollers manage the conditions *of the computer*" (emphasis added). Furthermore, Claim 19 recites the limitation of "means for sensing the conditions *of the computer* with the microcontroller network" (emphasis added).

In contrast, Applicant respectfully submits that Barrett is directed to a computer system for monitoring air duct baffles (316) which are located external to a personal computer (25). In Barrett, the personal computer (25) is connected to a plurality of controllers (13) via a data concentrator (23). However, as can be seen by a visual inspection of Figure 1, the data concentrator (23) and the controllers (13) are external to the computer and are used to monitor remotely located baffles (316). Applicant respectfully submits that Barrett does not monitor the environmental conditions of the computer (25). Accordingly, Applicant submits that Barrett does not teach or suggest the claims.

Discussion of Dependent Claims

Since Claims 2-10 and 12-18, are dependent on respectively one of independent Claims 1 and 2, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claims to which they refer. Therefore, Applicant respectfully submits that the rejections of the dependent Claims 2-10 and 12-18 have also been overcome.

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Discussion of Claim Rejections under 35 U.S.C. § 103(a) over Tavallaei

Claims 1-11 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Travallaei. Applicant submits a *Declaration under 37 C.F.R. § 131 to Overcome Tavallaei* by, Karl S. Johnson, Ken Nguyen, Walter Wallach, and Carlton G. Amadahl. Karl S. Johnson, Ken Nguyen, Walter Wallach, and Carlton G. Amadahl are the joint inventors of Claims 1-11 and 19.

The *Declaration* includes facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued (37 C.F.R. § 1.131(a)(1) and M.P.E.P. § 715). The showing of facts are such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application (37 C.F.R. § 1.131(b) and M.P.E.P. § 715).

The limitations recited in Claims 1, 11, and 19 were conceived at least by November 12, 1996. Due diligence in reducing the invention to practice was made either actually, or constructively until at least May 13, 1997 when the United States Provisional Patent Application No. 60/046,397 was filed, which is a priority application to the present application. Since Tavallaei was filed on December 31, 1996, Applicant submits that Tavallaei is removed from use as a reference for at least such claim limitations. Since Claims 2-10 are dependent on independent Claim 1, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claim to which they refer. Therefore, the rejection of the dependent Claims 2-10 has also been overcome.

Therefore, in view of the above, it is submitted that claims are clearly distinguished from the cited art and are patentable.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that Claims 1-19 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

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Respectfully submitted,

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